

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MYRIAM ZAYAS,

Plaintiff(s),

v.

DEPARTMENT OF CHILDREN YOUTH  
AND FAMILIES,

Defendant(s).

CASE NO. 2:22-cv-01085-TL

ORDER OF DISMISSAL


This matter is before the Court on its own motion. Plaintiff Myriam Zayas initiated this civil rights action against Defendant Department of Children Youth and Families in July 2022. The Court previously dismissed Plaintiff's 42 U.S.C. § 1983 claims, but not her challenge to an allegedly unconstitutional state statute. Dkt. No. 6. Plaintiff then had 90 days, or until November 7, 2022, to file proof of service to proceed with her remaining claim. Fed. R. Civ. P. 4(m). Instead, Plaintiff filed a notice of appeal (Dkt. No. 8), but her appeal was dismissed on September 22 by the Ninth Circuit for lack of jurisdiction because "the record demonstrates that . . . the order challenged in the appeal is not final or appealable." Dkt. No. 10. Unbeknownst

1 to the Court, Plaintiff refiled her appeal with the Ninth Circuit on October 3, 2022. *See* Dkt.  
2 No. 12.

3 On December 19, the Court ordered Plaintiff to either show cause why this case should  
4 not be dismissed for failure to serve process or file sufficient proof of service or waiver pursuant  
5 to the Federal Rules of Civil Procedure by no later than January 20, 2023 (“December 19th  
6 Order”). Dkt. No. 11. The Ninth Circuit treated Plaintiff’s renewed appeal as a motion for  
7 reconsideration and denied her request on January 20, 2023. Dkt. No. 12, *see also* Dkt. No. 14.  
8 On January 30, 2023, the Court’s December 19th Order was returned as undeliverable. All  
9 Parties, including “any party not represented by an attorney,” are responsible for maintaining  
10 accurate contact information with the Court, including a valid mailing address, and “must file a  
11 notice with the court of any change in address . . . within ten days of the change.” LCR 10(f).  
12 Plaintiff has failed to update her address or respond to the Court’s Order to show cause and has  
13 made no effort to advance her remaining claim in this case since pursuing her appeal, which was  
14 dismissed by the Ninth Circuit effective January 30, 2023. Dkt. Nos. 10, 12, 14.

15 The Court therefore ORDERS this case DISMISSED without prejudice for Plaintiff’s failure  
16 to prosecute her remaining claim.

17 Dated this 9th day of March 2023.

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20 Tana Lin  
21 United States District Judge  
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